

REMARKS

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. In the Office Action dated January 25, 2006, the Examiner rejected claims 1 through 3 and 6 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,320,843 (the “‘843 patent”). According to the Examiner, the ‘843 patent discloses “an injection or blow molded antibacterial article for storing contact lenses in an ophthalmic solution.”

The claimed invention provides a package with a base, the package having a contact lens. The lens comprises one or more of a pharmaceutical and an antimicrobial agent. The base element of the package comprises an opacifying agent that blocks light so that light does not react with the pharmaceutical, antimicrobial agent or both. Thus, the present invention both recognizes the problem of degradation of stored lenses containing pharmaceutical or antimicrobial agents due to light and offers a solution to that problem.

The ‘843 reference fails to teach or disclose the invention as set forth in the claims. At least one element absent from the ‘843 patent is the teaching of a lens within the container, which lens contains a pharmaceutical or antimicrobial agent subject to degradation by light exposure. Additionally, the ‘843 patent fails to teach or disclose the base element of a package comprising an opacifying agent that blocks light so that light does not react with the pharmaceutical, antimicrobial agent or both. In fact, the ‘843 patent teaches “providing an article molded from a plastic resin including an inorganic carrier retaining antibacterial metal ions, and placing the ophthalmic solution in contact with the article” so that the “metal ions leach from the resin to the ophthalmic solution.” Col. 2, lines 8 through 14. Because the ‘843 reference fails to teach or disclose at least one element of the claimed invention, the ‘843 patent cannot be found to anticipate the claimed invention. Withdrawal of the section 102(b) rejection is respectfully requested.

The Examiner rejected claims 1, 10 and 11 under 35 U.S.C. § 102(b) as anticipated by WO 02/44260 (the ‘260 application”). According to the Examiner, the ‘260 application discloses a “contact lens casting cup comprising a metallocene catalyzed

monomer or copolymer of polypropylene ... having an additive, such as a colorant or whitening agent, incorporated therein ...”

The ‘260 application fails or teach or disclose at least one element of the claims invention. That is, the ‘260 application fails to teach or disclose a base element of a package. Rather, the ‘260 application teaches casting cups, or contact lens molds. Because the ‘260 application fails to teach or disclose at least one element of the claimed invention, the ‘260 application cannot be found to anticipate the claimed invention. Therefore, withdrawal of the section 102(b) rejection is respectfully requested.

The Examiner rejected claims 4, 5, 7 and 8 under 35 U.S.C. § 103(a) as obvious over the ‘843 patent in view of U.S. Publication 2002/0136899. Further, claim 9 is rejected as obvious over the ‘843 patent in view of U.S. Patent No. 6,054,090. Claims 12 and 13 are rejected as obvious over the ‘843 patent in view of U.S. Publication 2002/0046958. Finally, claims 14 through 19 are rejected as obvious over the ‘843 patent in view of U.S. Publication 2002/0046958 and U.S. Publication 2003/004447.

None of U.S. Publication 2002/0136899, U.S. Patent No. 6,054,090 U.S., Publication 2002/0046958 cure the problem with the ‘843 reference. That is that none of the references, whether considered singly or in combination with each other or the ‘843 patent, teach or disclose a contact lens comprising one or more of a pharmaceutical or antimicrobial agent and a base element of the package comprising an opacifying agent that blocks light so that light does not react with the pharmaceutical, antimicrobial agent or both. Thus, the references fail to render the claimed invention obvious and withdrawal of the section 103(a) rejection is respectfully requested.

Applicant submits that the claims are in condition for allowance. Withdrawal of the rejections and allowance of the claims is respectfully requested.

Respectfully submitted,
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